

09/729,664

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REMARKS

Claims 1-15 and 17 are pending in the application. Claims 16 and 18 are cancelled.

Claims 1-3 and 8-10 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. (U.S. Patent No. 5,577,109) in view of Gorog (U.S. Patent No. 4,947,028). Claims 4-6 and 11-13 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. in view of Gorog and further in view of Skinner et al. (U.S. Patent No. 6,185,514). Claims 7 and 14 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. in view of Gorog and further in view of Sprague et al. (U.S. Patent No. 5,247,575). Claims 15 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over Stimson et al. in view of Gorog and further in view of Gomyo et al. (U.S. Patent No. 5,930,772). Applicant responds in kind to these rejections as follows.

In view of the foregoing amendments, the present invention as now claimed, among other distinctions, provides more clearly the step of the invention system "...calling, by telephone, a user so as to begin a telephone call". Neither Stimson et al. nor Gorog discloses a system that calls a user by telephone to begin a telephone call in contrast to the present invention as now claimed. Similarly, Skinner et al., Sprague et al. and Gomyo et al. individually or in any combination do not add to Stimson et al. or Gorog the computer implemented step of "calling, by telephone, a user so as to begin a telephone call" as claimed in now amended base Claims 1 and 8 of the present invention.

Support for this amendment is found at least on Specification page 3, lines 5-8 and Figs. 1 and 2 as originally filed. This claim feature/ limitation of the invention system initiating a call to the user so as to begin a subject telephone call has been presented in base Claims 1 and 8 since the amendment filed on August 12, 2003 (Paper No. 7). The current amendment to the claims is for purposes of clarity and emphasis that the invention system and not the user initiates the subject telephone call. Such a system initiated telephone call (i.e., "computer implemented step of...calling, by telephone, a user so as to begin a telephone call...") is not disclosed, implied or otherwise suggested by the cited or prior art.

Further, base Claims 1 and 8 are now amended to make clear that the invention system serves "individually targeted messages having contents unrelated to status of the telephone call or to account status of the telephone call." See Specification page 3, lines 9-14. In contrast, the

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primary cited reference (Stimson) is directed to enabling a card holding user to gain access to a telephone network. The card holding user must initiate a subject telephone call by using the card (or its security number) to gain entry. The cited messages to the user in the Stimson system each involve status of the telephone call/entry or account status of the card and phone call. Such does not disclose or make obvious "...messages having contents unrelated to status of the telephone call or to account status of the telephone call" as now claimed by the present invention.

Reading the base Claims 1 and 8 as a whole, the message feature is in combination with the feature of the invention system initiating/making a phone call to the user to begin the subject telephone call. Stimson teaches away from such combination where the user must be attempting to gain entry to the telephone network in order for the Stimson system to be involved, and the messages of Stimson relate to the user gaining such access (valid code used, sufficient funds in card account, etc.). The claimed combination of the invention system "calling, by telephone, a user so as to begin a telephone call" and the invention system serving "individually targeted messages having contents unrelated to status of the telephone call or to account status of the telephone call" is not disclosed or made obvious by the cited or prior art.

Thus no combination of the cited references make obvious the present invention as now claimed in Base Claims 1 and 8. Dependent Claims 2-7 depend from base Claim 1. Dependent Claims 9-15 and 17 depend from base Claim 8. By virtue of their dependency, these claims (Claims 2-7, 9-15 and 17) are also not made obvious by the cited or prior art.

Thus the § 103 rejections of the Office Action at hand are believed to be overcome. Withdrawal of the rejections and acceptance of the claims as now amended is respectfully requested.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims (Claims 1-15 and 17) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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